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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,791	12/08/2003	Kia Silverbrook	ZF117US	8940
24011	7590	12/21/2005	EXAMINER	
SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, NSW 2041 AUSTRALIA			MRUK, GEOFFREY S	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/728,791

Applicant(s)

SILVERBROOK ET AL.

Examiner

Geoffrey Mruk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5 and 6 is/are rejected.
- 7) ☒ Claim(s) 4 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 3 is objected to because of the following informalities: Claim 3 is dependent on cancelled claim 2. For examination purposes, the examiner will assume claim 3 is dependent on claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Mueller (US 4,423,401).

With respect to claim 1, Mueller discloses a thermoelastic actuator (Fig. 1, element 10) assembly including: a heat conductor (Fig. 1, element 16) positioned to conduct heat generated by a heating element (Fig. 1, element 26) away from said actuator assembly thereby facilitating the return of the actuator to a quiescent state subsequent to operation (inherently element 16 will conduct heat away when the actuator is in the closed position); wherein the heating element (Fig. 1, element 26) comprises a heating layer, the heating layer bonded to a passive bend layer (Fig. 1,

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element 14) and wherein the heat conductor is located within the passive bend layer (Fig. 8).

With respect to claim 3, Mueller discloses the heat conductor (Fig. 1, element 16) comprises one or more layers of a metallic heat conductive material (Column 3, lines 10-14) located within the passive bend layer (Fig. 1, element 14).

With respect to claim 5, Mueller discloses the one or more layers of metallic heat conductive material (Fig. 1, element 16; Column 3, lines 10-14) comprise a laminate of heat conductive material and passive bend layer substrate (Fig. 1, element 14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller (US 4,423,401) in view of Carey et al. (US 6,274,924 B1).

With respect to claim 6, Mueller discloses the one or more layers of metallic heat conductive material (Fig. 1, element 16; Column 3, lines 10-14).

However, Mueller fails to disclose the one or more layers of metallic heat conductive material comprise aluminum.

Carey discloses, "The massive slug 10 provides a low thermal resistance path to conduct heat away from the LED die 16. While the preferred embodiment employs a

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copper slug, other suitable materials include thermally conductive materials such as diamond, silicon, aluminum, molybdenum, aluminum nitride, aluminum oxide, beryllia or composites and alloys thereof. Alternatively, composites of molybdenum-copper and tungsten-copper may be used. Suitable thermally conductive materials include pure materials, compounds, and composites of silver, copper, diamond, silicon, aluminum, tungsten, molybdenum, and beryllium" (Column 2, lines 47-58).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the heat sinking materials disclosed by Carey in the heat sink portion (Fig. 13, element 11) of the substrate disclosed by Furlani. The motivation for doing so would have been "Because the LED die is thermally coupled to the heat sinking slug, the die can be maintained at a junction temperature lower than conventional packages. The lower operating temperature maintains reliability and performance under high-power conditions because the die is not subject to high thermal stress" (Column 2, lines 36-41).

Allowable Subject Matter

Claims 4 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey Mruk whose telephone number is 571 272-2810. The examiner can normally be reached on 7am - 330pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GSM
12/15/2005

GM


12/19/05
MANISH S. SHAH
PRIMARY EXAMINER